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Approved As Written
Date January 11, 2006

MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 20-05
Wednesday, November 2, 2005

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, November 2, 2005.

PRESENT

John Britton, Chair
Frank Hilton Gerald Holtz
Sarah Medearis Kate Ostell
Robin Wiener

Absent: Steve Johnson

Present: Jim Wasilak, Chief of Planning
Sondra Block, Assistant City Attorney
Judy Christensen, Historic Preservation Planner
Rebecca Torma, Planner II

Commissioner Britton announced that the items for briefing tonight would be before the Planning Commission at its next meeting on November 16, 2005. Commissioner Britton also informed the public that the City has begun a sign-up process for these kinds of activities. If citizens are interested in coming on November 16 and plans to speak, please check Rockville's Web site or one can also call the City to be on the sign-up sheet. Commissioner Britton noted that it would be first come first serve.

Commissioner Britton announced upcoming applications coming before the Commission in the near future.

REVIEW AND ACTION

Final Record Plat PLT2005-00451, Zimmer Development Company, LLC

The applicant is asking for approval for the creation of a single record lot of 87,682 square feet in the RPC Zone in the southwest corner of Rockville Pike and Wootton Parkway.

Mr. Wasilak presented the staff report. Mr. Wasilak stated this application was to facilitate the development of a bank and a pharmacy. He noted that the Commission has seen this application earlier this year. This application would create one, larger than two acres and

staff is recommending approval subject to conditions. Mr. Wasilak commented on the condition requiring that all easements must be clearly shown and identified on the plat. This condition will be modified with a note on the plat in lieu of showing all of the easements, as most of the easements on this property are old and are going to be abandoned prior to construction. The plat will be much cleaner if they are not shown on this plat.

David Weber, Chief surveyor with the firm of Gutschick, Little & Weber presented the applicant's request. He said the applicant agrees with the conditions.

Commissioner Hilton inquired about the timeframe of construction. Mr. Weber stated that they would begin grading the site when they obtain all of their approvals.

Commissioner Holtz moved, seconded by Commissioner Wiener to approve Final Record Plat PLT2005-00451, Zimmer Development Company, LLC per staff conditions. The motion passed unanimously.

BRIEFING

Lincoln Park Neighborhood Plan – briefing on recommendations of neighborhood plans for the Lincoln Park neighborhood.

Mr. Wasilak presented the neighborhood plan. Mr. Wasilak stated that this plan has been worked on over the past several years and staff is at the point where it is time to move forward. He noted that the purpose of this plan is to preserve the existing character of the streetscape and the community. As they were working through this plan, staff recognized that the community did have a threat in terms of developers coming in, purchasing properties at relatively low prices, and tearing houses down to construct new houses that would be out of character.

Mr. Wasilak explained the beginning steps in the process of implementing both the neighborhood and conservation plans. He noted that Lincoln Park Planning Area is one of the smallest in the City. It is mostly residential, but is abutted by non-residential uses, which have been developed over time and is a point of some consternation among the residents. They are concerned about future encroachment, given past history.

Mr. Wasilak described the Lincoln Park neighborhood's location, strategy for land use providing housing opportunities, addressing concerns regarding traffic circulation patterns with regard to industrial traffic cutting-thru the residential neighborhood, preserving the environment, provide public open space, MCPS property, improvement to properties for new families, creating a new zoning category, buffering from the industrial community, and the primary goal is to protect the physical cultural heritage of Lincoln Park.

Mr. Wasilak stated that one thing the community is very clear about, as was East Rockville, was incompatible subdivisions in the community. Staff feels that East Rockville and Lincoln Park were very vulnerable to potential incompatible subdivisions. These lots are

very narrow and very deep also known as pipestem lots. The plan is very clear that these kinds of lots are not desired in neighborhood and conservation plans.

Mr. Wasilak continued to discuss the zoning of Lincoln Park and the traffic impacts on residential streets.

Mr. Wasilak explained that these plans would be brought back to the Planning Commission for further discussion and public hearing on November 16, 2005.

The Commission discussed buffering of the Lincoln Park neighborhood from the industrial district, truck traffic impacts, environmental issues, concern about notifying property owners of public hearings, preserving the heritage of Lincoln Park community, demographics of the current residents of Lincoln Park and a concept as to whether these residents and their children would remain in Lincoln Park. There is a large concern regarding developers purchasing parcels to build new homes in Lincoln Park.

Lincoln Park Conservation Plan- for new residential development standards in Lincoln Park to preserve neighborhood character.

Judy Christensen presented the draft conservation plan. Ms. Christensen stated that she has worked with the community in preparing this plan. This plan is separate from the neighborhood plan and will have to be adopted separately.

Ms. Christensen explained that, normally, the plan would be adopted by the Mayor and Council and then implemented, but in the case of Lincoln Park, the community believed that change was rapidly approaching and a method to preserve the community character should be found and adopted quickly. The Civic Association and co-sponsor Peerless Rockville appeared before the Mayor and Council in June of 2004 and requested that various zoning and preservation tools should be examined and a preservation plan be prepared to run concurrently and the resulting committee met from August 2004 through spring of 2005.

After hearing the results of a city survey of existing conditions and examining the tools available, the Committee proposed adjusting the current R-60 development standards for new construction to be compatible with existing conditions in Lincoln Park, which is best accomplished through a Neighborhood Conservation District Overlay Zone.

Ms. Christensen discussed the history of Lincoln Park. It is zoned R-60, but the lot layout and many buildings predate zoning codes, and for the first almost 60 years, it functioned as an unincorporated independent community in Montgomery County. It annexed into Rockville in 1949. She said that the plan essentially creates a new zoning category such as LP-R60. The new standards would be applied during the building permit review process and no additional review burden is required of the owners Appeals would be processed by the Board of Appeals.

Ms. Christensen presented a summary of Lincoln Park community, character of the neighborhood, setbacks, lot sizes, standards for new construction such as height and width and height and width of existing buildings and new street standards for Lincoln Park.

The Commission discussed the permitting process regarding new construction, lot coverage when building a new home, the number of property owners who have participated in the planning process, notification process to reach the entire community, and contacting adjacent neighborhoods regarding these plans.

Text Amendment Application TXT2005-00217, Annexation Petition ANX2005-00138 and Residential Townhouse Initial Application RTH2005-00019

Briefing on applications filed to annex a 10.51-acre parcel of land into the City and allow development of 22 single-family homes and 65 townhomes at the former WINX property at 950 Stonestreet Avenue in Lincoln Park.

Ms. Torma presented the three applications. Ms. Torma explained the process.

RTH Initial Application

Ms. Torma explained that the first part of the process is the RTH Initial Application. The purpose for this application is for the Mayor and Council to find that the site is an appropriate use of the RTH as a transitional land use. If the Mayor and Council approve the RTH Initial Application, then the applicant can file for the Exploratory Application to be considered also by the Mayor and Council with the Planning Commission's recommendation. If the Mayor and Council were to approve the Exploratory Application, then the applicant can submit for the Detailed Application that would be approved or denied by the Planning Commission.

Proposed Text Amendment

Currently, the RTH process only allows transitional sites in between single family detached or planned single family detached and multifamily (R-20 or greater), commercial (C-2, PRC), office (O-1), light industrial (I-2, I-3, and I-4), and transportation facilities (Metro stations). The applicant proposes to amend the chart in the Zoning and Planning Ordinance to permit transitional sites between single-family detached dwellings or planned single-family detached dwellings and industrial uses (I-1). Currently, this does not allow for the I-1 district, which is what the subject property is currently zoned in Montgomery County. The property contains 10.51 acres and includes three parcels. Any parcel under 10 acres can come anywhere in the City. If a parcel is greater than 10 acres, it can only be in the Town Center Planning Area to use this process.

Ms. Torma discussed the comparison chart of development standards for the new single-family detached dwellings, which are not permitted by the City's current Zoning Ordinance and the proposed Zoning Ordinance regarding minimum and maximum lot coverage, minimum front, rear and side yard setbacks and accessory building requirements.

The Comprehensive Master Plan Regarding Annexation.

Ms. Torma stated that the 10-acre portion of this annexation is discussed in the Comprehensive Master Plan, however, the other two properties are not. This Plan states that the 10-acre property is included in the City's "Urban Growth Areas" as established in the approved and adopted 2002 Citywide Master Plan of the City of Rockville. The Plan further indicates that the property should have a residential use and be developed using the R-60 development standards.

Ms. Torma explained that the Lincoln Park Neighborhood Plan draft recommends the 10-acre site be used for residential dwellings and annexed into the City. Lincoln Park also recommended residential use with a mix of single family detached and attached units on the property with density not exceed nine dwelling units per acre. The single-family homes should be developed along Ashley Avenue and for these lots, the lot width, front and side yard setbacks of the R-60 Zone should be used. In addition, adequate buffering between the new dwellings and the existing industrial section should be provided. In addition, a tree save area and small community park should be provided as an amenity to the neighborhood and new residents.

Ms. Torma stated that the Upper Rock Creek Area Master Plan (Montgomery County) recommends for the long term that this site be used for residential development, which would allow for its annexation and reclassification to a residential zone. The Plan suggested MPDUs or elderly housing should be used at this site. In addition, the Plan requests that the design of development be compatible with the Lincoln Park community.

Currently, the applicant submitted a petition for annexation with the City Clerk and the Public Hearing is scheduled for November 21, 2005 before the Mayor and Council. A Public Hearing for the Annexation will be before the Planning Commission on November 16, 2005.

Ms. Torma noted that the property contains 10.51 acres and includes three parcels. All three parcels are currently zoned for I-1 (light industrial) land usage in Montgomery County. Parcel A and Parcel B are owned by the Westmore Development, LLC and the third parcel ("Meadow") is owned by Meadow Lo Corporation. Part of Parcel A and Parcel B are improved with radio transmission towers that were formerly used by the WINX radio station. Part of Parcel A and Parcel B have vehicular access onto Ashley Avenue. The Meadow parcel has access through the adjacent industrial development. Part of Parcel A and Parcel B are currently served by an onsite private well and septic system. The subject property abuts land within the City of Rockville corporate limits on the north, west and south sides. The land to the north is zoned I-1 (Service Industrial) and used for industrial purposes. The land to the west is the Metro Rail and CSX railroad tracks. The land to the south is zoned R-60 (One-Family Detached, Residential) and has single-family detached dwellings. The land to the east is located in Montgomery County, and is zoned I-1 (Light Industrial) and is owned by Washington Gas Light Company.

Ms. Torma stated that the applicant is currently proposing 22 single-family detached homes with 65 townhouses on approximately 10 acres. The remaining portion of the land that is surrounded by industrial on three sides, will remain industrial. The single-family detached homes will mostly front on Ashley Avenue and have rear loaded garages. The townhouses will be perpendicular to the single-family detached homes and be in groups of five to six. Within the development, the applicant is proposing 11 Moderately Priced Dwelling Units that would be townhouses and be scattered throughout the project. The roads, with the exception of the main entrance off North Stonestreet Avenue would be private. In addition, the applicant is also proposing a 12,197 square foot park.

The Commission discussed concerns regarding water and sewer, parcels of land proposed to be annexed, zoning proposed for the parcels, impacts on other properties if subject property is annexed, density of property if annexed, whether this property would be an appropriate use as a transitional land use, location of the proposed community park, cut-through traffic from industrial areas and ways of diverting that traffic to other streets, and no variation in the setbacks.

Soo Lee-Cho, Attorney with Miller, Miller & Canby and representing the owner, explained how the parcels were surveyed and the zones proposed for the parcels upon annexation. Ms. Lee-Cho answered questions from the Commission regarding the development process of the subject property, relocation of the radio towers, rear yard setbacks, surrounding uses, diversion of traffic from the industrial area, design plan for the single-family homes and townhouses, and the density level for the site.

In response to Commissioner Holtz, Ms. Lee-Cho stated that if this proposal were not approved, the property would remain a parking lot.

The Commission further discussed concerns about the density level of the site, presenting the plan to the current property owners on Ashley Avenue, MPDUs, and the developer of the site, preserving the existing trees on the site, schools, and the approval process.

COMMISSION ITEMS

New Business

Commissioner Ostell inquired about the intersection of Route 28 and Nelson Street that has been under construction for sometime. Mr. Wasilak stated that he believes it is one of the road improvements for the Fallsgrove development required by the City. He said he would obtain information on that.

Commissioner Ostell asked for information regarding the existing trees in front of the Chestnut Lodge property and whether they would remain as part of the development.

Chief of Planning's Report

Mr. Wasilak highlights some of the future applications coming before the Commission between now and the end of the year. Mr. Wasilak noted that five special exceptions would be coming before the Commission at its November 16 meeting. He explained that Montgomery County Public Schools filed these special exceptions for modular classrooms for five public schools. Mr. Wasilak noted that the modular classrooms have been installed and are in use.

Mr. Wasilak discussed December meeting dates. It was decided that Commission meetings would be scheduled for December 7 and 14.

Minutes

Commissioner Hilton moved, seconded by Commissioner Holtz to approve the minutes of Meeting No. 18-05 as amended. The motion passed on a vote of 6-0-1 with Commissioner Johnson abstaining.

Commissioner Ostell moved, seconded by Commissioner Wiener to approve the minutes of Meeting No. 17-05 as amended. The motion passed unanimously.

The minutes of Meeting No. 16-05 were passed forward for revisions.

ADJOURN

After further discussion, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Tyler Tansing, Commission Secretary